

**Town of North Yarmouth
Select Board
Meeting Minutes August 01, 2023, 6:00 PM**

Select Board Members

Amy Haile, Chairperson
Karl Cyr, Board Member

Andrea Berry, Vice Chairperson
Paul Hodgetts, Board Member

Katherine Maloney, Board Member

Karl Cyr was not present and had an excused absence.

Call to Order (22:00-1:05:30)

Pledge of Allegiance.

Conduct Complaint-Planning Board Member

The Selectboard heard a conduct complaint from Kristen Collins, Attorney for Laurie Bachelder and 527 LLC against Alternate Planning Board Chairperson Paul Whitmarsh.

David A Lourie, Attorney was present to represent and defend Mr. Whitmarsh against the claim.

John Hamer, Attorney for the town gave his recommendation that there were no actional policy violations presented.

Selectperson Hodgetts, seconded by Vice Chairperson Berry, moved to dismiss the code of conduct complaint. Vote 4 Yes/0 No.

David Lourie and Paul Whitmarsh both made statements to the Board after the vote.

Chairperson Haile, seconded by Vice Chairperson Berry moved to take a ten-minute break. Vote 4 Yes/0 No.

Appointments (1:24:44-1:38:22)

Planning Board-Regular Member

Chairperson Haile, seconded by Selectperson Hodgetts moved to appoint Paul Whitmarsh from an alternative Planning Board Member to a Regular Member. Vote 1 Yes/3 No.

Flag Committee-Resignation-Candace Loring

Chairperson Haile, seconded by Vice Chairperson Berry moved to accept the resignation of Candace Loring from the Flag Committee. Vote 4 Yes/0 No.

Price Memorial Library-Resignation-Barbara Hauke

Chairperson Haile, seconded by Selectperson Hodgetts moved to accept the resignation of Barbara Hauke from Price Memorial Library Committee. Vote 4 Yes/0 No.

Vice Chairperson Berry thanked Barbara Hauke for all her hard work and dedication to the library.

New Business (1:38:23-1:57)

Recycling Partnership Grant Acceptance

The Recycling Partnership has awarded the Town a grant in an amount not to exceed EIGHT THOUSAND DOLLARS (\$8,000) to support the purchase of recycling carts and educational and outreach efforts with the goal of improving and enhancing the Grantee's residential curbside recycling program ("Cash Grants"). The details of the Cash Grants and the anticipated costs and expenditures associated with this grant project are detailed in Section f, Project Budget, and Grant Funding, of Attachment B.

Vice Chairperson Berry, seconded by Selectperson Maloney moved to accept grant funds not to exceed \$8,000 and authorize the Town Manager to execute the grant documents. Vote 4 Yes/0 No.

MMA Voting Ballot-Election of Vice President & Executive Committee Members

Each year member municipalities have an opportunity to vote in the election of the proposed MMA Vice President and municipal officials to serve on the MMA Executive Committee.

In the packet is the MMA Voting Ballot which includes the proposed Slate of Nominees to serve on the MMA Executive Committee. A brief biographical sketch on each nominee listed on the MMA Voting ballot is enclosed for your reference

Chairperson Haile, seconded by Selectperson Maloney moved to vote in favor of the slate of officers as presented. Vote 4 Yes/0 No.

GA Administrator Contract-Cumberland County

Beginning on July 1, 2023, Opportunity Alliance no longer provides General Assistance Administration services for municipalities.

Cumberland County was asked to provide this service to member communities within Cumberland County. Due to such a large number of interested municipalities, the County will be hiring a GA Administrator to provide GA Administrative Services.

The FY 24 budget includes \$3,300 for this service. The County is proposing \$3,380 for this service.

Chairperson Haile, seconded by Selectperson Hodgetts moved to approve and enter into a contract with Cumberland County for GA Administrative Services and authorize the Town Manager to sign the contract. Vote 4 Yes/0 No.

LUO-Section 11.11-Advanced Wastewater Systems (New)

The Planning Board has been working over the past year on changes to improve the North Yarmouth Land Use Ordinance (LUO). They have specifically taken on the task of improving the LUO with respect to solar energy systems (SES) as well as strengthening the safety of North Yarmouth's public water supply. The Planning Board as well as the Yarmouth Water District and their attorney, has discussed, reviewed, and finalized the attached recommended change to the LUO. At the last business meeting, the Planning Board voted unanimously to forward this recommended change to the Select Board.

In the packet is the proposed recommended change to the LUO, new section 11.11. The second page of the document is supporting information on the development of this amendment. The Planning Board feels this change is an important one for all stakeholders and will give the town CEO the required authority to help protect our aquifer. The Planning Board is requesting the Select Board take up this change to finalize it as a warrant for the next special or regular town meeting vote. The Planning Board is prepared to provide any additional information you may require, answer any questions, and to hold the required public hearing at the appropriate time.

Chairperson Haile, seconded by Selectperson Hodgetts moved to authorize the Town Manager to send the proposed LUO, new section 11.11 to the Town Planner and Town Attorney for review. Vote 4 Yes/0 No.

LD 2003 Housing Mandate-LUO Amendments

The Senate and House enacted LD 1706, An Act to Clarify Statewide Laws Regarding Affordable Housing and Accessor Dwelling Units. The amended version of the bill provides municipalities with town council form of government with six extra months, until January 1, 2024, and town meeting communities until July 1, 2024, to come into compliance with P.L. 2021, Ch. 672 (LD 2003). The expanded and mandated activity still requires the state to fund the new burden including any costs related to holding a special town meeting to adopt ordinances before the new deadline.

The Department of Economic and Community Development has released information municipal officials need to secure funding for the LD 2003 housing mandate enacted by the Legislature in 2022 as PL 2021, c.

Reimbursement will be provided as a one-time payment and limited to \$10,000 for municipalities with designated growth areas or a public or special district water or sewer system. For communities that have neither a designated growth zone nor a public or special district water or sewer system, reimbursement is limited to \$5,000.

Selectperson Hodgetts, seconded by Selectperson Maloney moved to authorize municipal staff to work with GPCOG on necessary amendments to North Yarmouth's LUO as required by law. Vote 4 Yes/0 No.

Consent Agenda (1:57:01-1:57:53)

Payroll Warrants

#5 \$ 44,105.24

Municipal Accounts Payable Warrants

#6 \$ 8,281.84

#7 \$1,075,766.82

Chairperson Haile, seconded by Selectperson Maloney moved to approve the consent Agenda as presented. Vote 4 Yes/0 No.

Public Comment – Non-Agenda Items (1:57:54-2:29:04))

Paul Napolitano, Mill Ridge Road. He asked when will residents be able to see the new tax bill on the Vision Appraisal site. He felt there were mistakes. He felt like the Select Board would have trouble getting volunteers to join on committees.

Lincoln Merrill, 1583 North Road. Paint issue driving through Cumberland and to call the Cumberland Town Office if your car was affected. Stated he felt people will not volunteer with the threat that they may have to obtain an attorney at their cost. He felt the rules need to apply to everyone.

Mike Mallory, Walnut Hill Road. He expressed concern that Paul Whitmarsh did not get voted in as a regular member.

Kristi Wright, 213 Gray Road. She also wanted to express her dissatisfaction that Paul Whitmarsh was not voted in as a regular member. She is unhappy and displeased with the Code of Conduct Policy as it does not seem to be doing anything but wasting money. Parliamentary procedures and Roberts Rule of Order

would take care of problematic residents who need help to understand. She felt the Code of Conduct gets in the way of effective meeting management.

Jeff Brown 470 Mountfort Road. He wanted to know how many applications for the Planning Board were received.

Kimry Corrette, Gray Road. She expressed frustration that she may have to pay for an attorney to defend herself for volunteering. She is not taking money away from her children's college fund to do this. She is appalled that the town would do this to one of its residents. She stated she no longer wants to be a Planning Board Member.

Bill Young, Sweetser Road. He expressed concern that the Select Board did not vote for Paul Whitmarsh to be a regular member of the Planning Board.

Selectperson Maloney expressed concerns about the Code of Conduct Policy. She acknowledged that it was passed before the start of her term and that she did not believe it needed to be quickly or reactionarily revised but that she did think it was important for the board to be mindful of how it is being implemented and affecting the town. She resonated with Kimry's statement about people's concerns that they will need lawyers. It is not what she wanted to see for the town. She wants us to watch and be open to feedback and potential change if it does need adaptation. Have there been other complaints brought forward that we choose not to hear?

Chairperson Haile stated there were two other complaints. The Chairperson stated they discussed the complaint with the attorney and dealt with them as appropriate and that a consistent process is applied to all complaints.

Selectperson Hodgetts suggested that we develop a committee to deal with complaints.

Selectperson Maloney stated she believes the Select Board is the appropriate place to hear complaints.

Chairperson Haile stated they have two Planning Board Applications. She talked about Volunteerism. A lot of things happened the prior year, and felt the Board made the best decision for the Town.

Selectperson Maloney felt the board could provide reassurance. There are no expectations to hire a lawyer and have a public hearing. These are things that were chosen by the individual. It is not required.

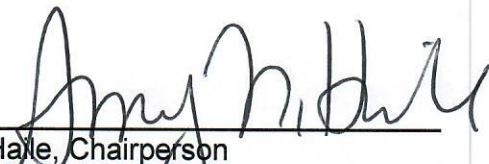
Vice Chairperson Berry reminded members to submit 4 goals by Friday. She will prepare them for the workshop on August 15, 2023.

Adjournment

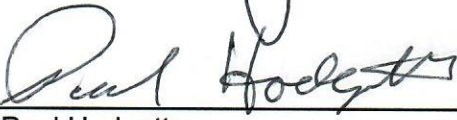
**Chairperson Haile, seconded by Selectperson Maloney moved to adjourn at 8:13 PM.
Vote 4 Yes/0 No.**

Karen Casale, Recording Secretary

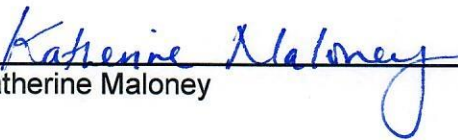
Select Board



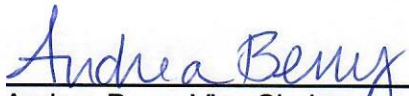
Amy Hale, Chairperson



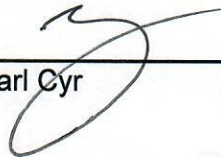
Paul Hodgetts



Katherine Maloney



Andrea Berry, Vice Chairperson



Karl Cyr